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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 DANNIE RAY HILLHOUSE,¹

No. CIV S-03-0142 MCE CMK P

12 Petitioner,

DEATH PENALTY CASE

13 vs.

14 ROBERT AYERS, Jr, Acting Warden,

Order Continuing the Hearing on Respondent's

15 _____ Respondent. _____ Motion to Dismiss

16 _____
17 _____/

18 Good cause appearing, IT IS ORDERED that:

19 1. The hearing on the motion to dismiss, currently set for October 23, 2006 at
20 10:00 a.m., is continued to November 8, 2006 at 10:00 a.m. before the undersigned at the United
21 States District Court in Redding, California.

22 2. Respondent's reply brief remains due on October 16, 2006.

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26 ¹Pursuant to Federal Rule of Civil Procedure 25(d), Robert Ayers, Jr. is substituted as the Acting Warden.

1 3. The Clerk of the Court is directed to substitute Robert Ayers, Jr. as the acting
2 warden.

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4 DATED: October 4, 2006.

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7 **CRAIG M. KELLISON**
8 UNITED STATES MAGISTRATE JUDGE
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